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16		
17		
18	UNITED STA	ATES DISTRICT COURT
19	FOR THE NORTHE	RN DISTRICT OF CALIFORNIA
20	OAK	LAND DIVISION
21) Case No. 4:20-cv-05640-YGR-TSH
22	EPIC GAMES, INC.,) Case No. 4.20-cv-03040-1 GR-15H
23	Plaintiff, Counter-defendant,) PLAINTIFF EPIC GAMES, INC.'S) SUPPLEMENTAL LIST OF SUMMARY
24	v.) EXHIBITS
25	APPLE INC.,) The Honorable Yvonne Gonzalez Rogers
26		
27	Defendant, Counterclaimant.)
28		

Pursuant to the Court's Standing Order Re: Pretrial Instructions in Civil Cases and the Court's Order Regarding Pretrial Schedule (Dkt. 377), Plaintiff and Counter-defendant Epic Games, Inc. ("Epic"), by and through its undersigned counsel, hereby submits its supplemental exhibit list regarding summary exhibits pursuant to Federal Rule of Evidence 1006. Plaintiff submits its summary exhibits using PX-1000 to PX-1093 and its responsive summary exhibits using PX-2944 to PX-2946. The parties are continuing to meet and confer regarding the admissibility of exhibits.

EPIC'S EXHIBIT LIST

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
PX- 1000	Estimate of Apple App Store Operating Margin Percentage - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		FRE 403; FRE 702; FRE 703	
PX- 1001	Apple FY2018 10-K Reconciliation - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		Does not comport with FRE 1006	
PX- 1002	eBay Inc. Consolidated Statement of Income - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		FRE 402; FRE 802	
PX- 1003	Estimated Allocation of Additional OPEX to App Store - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		Does not comport with FRE 1006; FRE 403; FRE 702; FRE 703	
PX- 1004	Etsy, Inc. Consolidated Statement of Operations - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		FRE 402; FRE 802	

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2	PX-	MercadoLibre, Inc.	Barnes		FRE 402;	
3	1005	Consolidated Statements of Income - Epic Summary			FRE 802	
4		Pursuant to Federal Rule of Evidence 1006				
5	PX-	Operating Margin	Barnes		FRE 402;	
6	1006	Percentages for Select Pure Online Marketplaces - Epic			FRE 802	
7		Summary Pursuant to				
8		Federal Rule of Evidence 1006				
9	PX- 1007	Rakuten, Inc. Income from Operations Internet Services	Barnes		FRE 402; FRE 802	
10	1007	Segment - Epic Summary			FRE 002	
11		Pursuant to Federal Rule of Evidence 1006				
12	PX-	Alibaba Group Income from	Barnes		FRE 402;	
13	1008	Operations Core Commerce Segment - Epic Summary			FRE 802	
14		Pursuant to Federal Rule of Evidence 1006				
15	PX-	Figure 6: Fortnite Monthly	Cragg		FRE 602	
16	1009	Active Users by Platforms Played On Per Month - Epic				
17		Summary Pursuant to				
18		Federal Rule of Evidence 1006				
19	PX-	Figure 7: Fortnite Monthly	Cragg		FRE 602	
20	1010	Active Users by Platform - Epic Summary Pursuant to				
21		Federal Rule of Evidence				
22	PX-	1006 Figure 8: Cross- Platform	Cragg		FRE 602	
	1011	Weekly Active Users for	01488		1112 002	
23		Fortnite Players on Switch - Epic Summary Pursuant to				
24		Federal Rule of Evidence				
25	PX-	1006 Figure 9: Average Quarterly	Cragg		FRE 602;	
26	1012	App Downloads per Active	Ciugg		FRE 802;	
27		iOS Device, 2016-2020 - Epic Summary Pursuant to			FRE 805	
28		ppic building 1 disuant to	<u> </u>	l	I	

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2		Federal Rule of Evidence				
3		1006				
4	PX-	Figure 10: Distribution of	Cragg			
5	1013	iOS App Downloads for U.S. Users, 2018 - Epic				
6		Summary Pursuant to Federal Rule of Evidence				
7		1006				
8	PX- 1014	Figure 11: App Store's EBIT Margin Versus Benchmark	Cragg		Does not comport	
9	1011	Companies - Epic Summary			with FRE	
10		Pursuant to Federal Rule of Evidence 1006			1006; FRE 402;	
11		Evidence 1000			FRE 403;	
12					FRE 602; FRE 702;	
					FRE 703;	
13					FRE 802; FRE 805	
14	PX-	Figure 12: Apple App Store's	Cragg		Does not	
15	1015	CAGR and EBIT Margin Versus Benchmarks - Epic			comport with FRE	
16		Summary Pursuant to			1006;	
17		Federal Rule of Evidence 1006			FRE 402; FRE 403;	
18		1000			FRE 602;	
19					FRE 702; FRE 703;	
20					FRE 802;	
21	PX-	Figure 13: Persistence in	Cragg		FRE 805 Does not	
22	1016	EBIT Profit Margins - Epic	Clugg		comport	
23		Summary Pursuant to Federal Rule of Evidence			with FRE 1006;	
		1006			FRE 402;	
24					FRE 403; FRE 602;	
25					FRE 702;	
26					FRE 703; FRE 802;	
27					FRE 805	

28

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2	PX-	Figure 14: Commission	Cragg		Does not	
3	1017	Rates on All App Store			comport with FRE	
4		Transactions, Including Sponsored Ads - Epic			1006;	
5		Summary Pursuant to			FRE 702;	
6		Federal Rule of Evidence 1006			FRE 703	
7	PX-	Figure 15: Commission	Cragg		Does not	
8	1018	Rates on App Store Initial Downloads, Including			comport with FRE	
		Sponsored Ads - Epic			1006;	
9		Summary Pursuant to Federal Rule of Evidence			FRE 702; FRE 703	
10	D17	1006			EDE (02	
11	PX- 1019	Figure 16: Top 10 App Store Apps for Keyword Query	Cragg		FRE 602; FRE 802	
12		"Dropbox," January 2017 -				
13		December 2018 - Epic Summary Pursuant to				
14		Federal Rule of Evidence				
15	PX-	Figure 17: Top 10 App Store	Cragg		FRE 602;	
16	1020	Apps for Keyword Query			FRE 802	
17		"Onedrive," January 2017 – December 2018 - Epic				
18		Summary Pursuant to				
		Federal Rule of Evidence 1006				
19	PX-	Table 1: U.S. Installed Base	Cragg		FRE 602;	
20	1021	for iOS and Nintendo Switch, 2019 - Epic			FRE 802; FRE 805;	
21		Summary Pursuant to			Does not	
22		Federal Rule of Evidence 1006			comport with FRE	
23					1006	
24	PX- 1022	Figure 1: Fortnite Minutes Played by Platform Users	Cragg			
25		who Played on Both iOS &				
26		Switch in June 2018 - Epic Summary Pursuant to				
27		Federal Rule of Evidence				
		1006				
28	_					

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2	PX-	Figure 2: Fortnite Minutes	Cragg			
3	1023	Played by Platform Users who Played on Both iOS &				
4		Switch in June 2018 - Epic				
5		Summary Pursuant to Federal Rule of Evidence				
6	DV	1006	C		D .	
7	PX- 1024	Table 3: Statistical Test For A Change In Fortnite Play	Cragg		Does not comport	
8		Time Associated With A			with FRE	
9		Second Game Playing Platform - Epic Summary			1006; FRE 602	
10		Pursuant to Federal Rule of Evidence 1006				
11	PX-	Figure 4: 2020 US Video	Cragg		Does not	
12	1025	Game Revenue Breakdown and Total - Epic Summary			comport with FRE	
13		Pursuant to Federal Rule of			1006;	
14		Evidence 1006			FRE 602; FRE 802	
15	PX- 1026	Figure 5: Relative Popularity of Video Game Genres and	Cragg		Does not	
16	1020	Categories Played on			comport with FRE	
		Different Platforms - Epic			1006;	
17		Summary Pursuant to Federal Rule of Evidence			FRE 602; FRE 802;	
18		1006			FRE 805	
19	PX- 1027	Table 4: Statistical Test For Complementary And	Cragg		Does not comport	
20	1027	Substitute Game Playing			with FRE	
21		Platforms Among Fortnite Users - Epic Summary			1006; FRE 702;	
22		Pursuant to Federal Rule of			FRE 703;	
23	PX-	Evidence 1006 Table 5: Summary of Hitt	Cragg		FRE 602 Does not	
24	1028	Exhibits 11, 9 and 12	Clugg		comport	
		(Millions of Users) - Epic Summary Pursuant to			with FRE 1006	
25		Federal Rule of Evidence			1000	
26	PX-	1006 Table 6: Hardware	Cragg		FRE 602;	
27	1029	Components of Mobile and	Clugg		FRE 802	
28		Non-Mobile Devices - Epic				

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2		Summary Pursuant to				
3		Federal Rule of Evidence 1006				
4	PX-	Table 7: Popular Games by	Cragg		FRE 602;	
5	1030	Platform - Epic Summary Pursuant to Federal Rule of			FRE 802; FRE 805	
6		Evidence 1006			1112 000	
7	PX- 1031	Table 8: Comparison of	Cragg		FRE 602; FRE 802;	
8	1031	Major Video Game Platforms - Epic			FRE 805	
		Summary Pursuant to				
9		Federal Rule of Evidence 1006				
10	PX-	Table 9: Development Costs	Cragg		FRE 602;	
11	1032	for Mobile and Non-Mobile			FRE 802;	
12		Games - Epic Summary Pursuant to Federal Rule of			FRE 805	
13		Evidence 1006				
	PX- 1033	Table 10: Top PC Games with Mobile Cross-Play,	Cragg		FRE 602; FRE 802;	
14	1033	February 2021 - Epic			FRE 805	
15		Summary Pursuant to				
16		Federal Rule of Evidence 1006				
17	PX-	Table 11: Percent of Fortnite	Cragg		FRE 602	
18	1034	Players Who Have Played on				
19		Each Platform - Epic Summary Pursuant to				
		Federal Rule of Evidence				
20	PX-	1006 Table 12: Percent of Fortnite	Cragg		FRE 602	
21	1035	Players Who Have Played on	J1466		1112 002	
22		Multiple Platforms - Epic				
23		Summary Pursuant to Federal Rule of Evidence				
24		1006				
25	PX- 1036	Table 13: Top 10 Highest Grossing iOS Apps as a	Cragg			
	1030	Percent of Total App				
26		Revenues, Fiscal Year 2019				
27		- Epic Summary Pursuant to Federal Rule of Evidence				
28		1006				

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2	PX-	Table 14: Top 10 iOS App	Cragg			
3	1037	Downloads as a Percent of All App Downloads, 2019 -				
4		Epic Summary Pursuant to				
5		Federal Rule of Evidence 1006				
6	PX-	Table 15: Apple App Store	Cragg		FRE 602;	
7	1038	Financial Performance (2013-2020) - Epic			FRE 702; FRE 703	
8		Summary Pursuant to			1 KL 703	
9		Federal Rule of Evidence 1006				
	PX-	Table 16: Effect of Adding a	Cragg		Does not	
10	1039	Second Platform On Original			comport with FRE	
11		Platform Play Time (Log- Hours per Week) - Epic			1006;	
12		Summary Pursuant to			FRE 602;	
13		Federal Rule of Evidence 1006			FRE 702; FRE 703	
14	PX-	Table 17: Effect of Adding a	Cragg		Does not	
15	1040	Second Platform on Total Play Time (Log-Hours			comport with FRE	
16		per Week) - Epic Summary			1006;	
17		Pursuant to Federal Rule of Evidence 1006			FRE 602; FRE 702;	
		Evidence 1000			FRE 703	
18	PX- 1041	Table 18: Mobile Video Games Genres - Epic	Cragg		Does not comport	
19	10-11	Summary Pursuant to			with FRE	
20		Federal Rule of Evidence 1006			1006; FRE 602;	
21		1000			FRE 702;	
22					FRE 703; FRE 802;	
23					FRE 802; FRE 805	
24	PX-	Table 19: PC/Console Video	Cragg		Does not	
25	1042	Games Genres - Epic Summary Pursuant to			comport with FRE	
		Federal Rule of Evidence			1006;	
26		1006			FRE 602; FRE 702;	
27					FRE 703;	
28						

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2					FRE 802;	
3					FRE 805	
4	PX-	Table 20: Game Genres and	Cragg		Does not	
5	1043	Categories Played Across Platforms - Epic Summary			comport with FRE	
6		Pursuant to Federal Rule of			1006;	
7		Evidence 1006			FRE 602; FRE 802;	
8					FRE 805	
	PX- 1044	Table 21: App Store Comparable Companies -	Cragg		FRE 402; FRE 403;	
9	1044	Epic Summary Pursuant to			FRE 602;	
10		Federal Rule of Evidence			FRE 802;	
11	PX-	Table 2: Summary Statistics	Cragg		FRE 805 FRE 602	
12	1045	of US Fortnite Players By				
13		Platform - Epic Summary Pursuant to Federal Rule of				
14		Evidence 1006				
15	PX- 1046	Analysis of Fortnite User Time Usage Behavior	Evans		Does not comport	
16	1010	Following the Launch of			with FRE	
		Fortnite on Switch - Epic Summary Pursuant to			1006; FRE 602;	
17		Federal Rule of Evidence			FRE 702;	
18		1006			FRE 703; FRE 802	
19	PX-	App Store Apps, Total Apple	Evans		FRE 702;	
20	1047	Commissions, and Estimated			FRE 703;	
21		Purchase Volume - Epic Summary Pursuant to			FRE 802	
22		Federal Rule of Evidence 1006				
23	PX-	App Store Operating Margin	Evans		Does not	
24	1048	- Epic Summary Pursuant to Federal Rule of Evidence			comport with FRE	
25		1006			1006;	
26					FRE 602; FRE 802	
27	PX- 1049	Apple App Store P&L, 2013-2020 - Epic Summary	Evans		Does not comport	
28						

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
3		Pursuant to Federal Rule of Evidence 1006			with FRE 1006	
456	PX- 1050	Apple Average U.S. Effective Commission Rate - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 702; FRE 703; FRE 802	
7 8 9 10	PX- 1051	Change in iOS Fortnite Users Gameplay Time After Developer Account Termination - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 702; FRE 703; FRE 802	
11 12 13 14	PX- 1052	Change in iOS Fortnite Users Monetary Spending After Developer Account Termination - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 702; FRE 703; FRE 802	
15 16 17 18	PX- 1053	Feature Phones and Smartphones Share of Mobile Phone Units Sold, High Income Countries - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
19 20 21 22	PX- 1054	Fortnite Users Play All or Nearly All of their Game Minutes on a Single Platform - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 702; FRE 703; FRE 802	
23 24	PX- 1055	IDC Data Summary Statistics - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 106; FRE 602; FRE 802	
25 26 27 28	PX- 1056	Implied Average Price Increase Caused by Apples IAP Requirement for Online In-App Transactions at Alternative Diversion Rates - Epic Summary Pursuant to	Evans		Does not comport with FRE 1006; FRE 702; FRE 703	

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2		Federal Rule of Evidence				
3		1006				
4						
5	PX-	iOS and Android Share of	Evans		FRE 702;	
6	1057	Smartphone App Revenue	Lyung		FRE 703;	
7		for the App Store and Google Play - Epic			FRE 802	
8		Summary Pursuant to				
9		Federal Rule of Evidence 1006				
10	PX-	iOS and Android Share of	Evans		FRE 602;	
11	1058	Smartphone Revenue Summarized by Countries			FRE 802	
12		Level of Economic Development, Globally				
		Excluding China - Epic				
13		Summary Pursuant to Federal Rule of Evidence				
14	D17	1006			EDE (02	
15	PX- 1059	iOS and Android Share of Smartphone Revenue,	Evans		FRE 602; FRE 802	
16		Globally Excluding China -				
17		Epic Summary Pursuant to Federal Rule of Evidence				
18	PX-	iOS Share of Smartphone	Evans		FRE 602;	
19	1060	Revenue for Smartphones	Evans		FRE 802,	
20		Priced \$300 or More, Globally Excluding China -				
21		Epic Summary Pursuant to				
22		Federal Rule of Evidence 1006				
23	PX-	iOS Share of Smartphone	Evans		FRE 602;	
24	1061	Sales for Smartphones Priced \$300 or More - Epic			FRE 802	
25		Summary Pursuant to				
26		Federal Rule of Evidence 1006				
27	PX- 1062	iOS Share of Smartphone	Evans		FRE 602; FRE 802	
28	1002	Sales, Globally Excluding China - Epic Summary			1'KE 8U2	

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2 3		Pursuant to Federal Rule of Evidence 1006				
4	PX-	iOS Share of Smartphone	Evans		FRE 602;	
5	1063	Sales - Epic Summary Pursuant to Federal Rule of			FRE 802	
6	PX-	Evidence 1006 iPhone's Share From 2010 to	Evans		FRE 602;	
7	1064	2019 in Different Regions -	Evans		FRE 802	
8		Epic Summary Pursuant to Federal Rule of Evidence				
9	PX-	1006 Analysis of Fortnite User	Evans		FRE 602;	
10	1065	Purchase Behavior	Lvans		FRE 702;	
11		Following the Launch of Fortnite on Switch - Epic			FRE 703; FRE 802	
12		Summary Pursuant to Federal Rule of Evidence				
13	PX-	1006 Operating Margin (Percent)	Evans		FRE 702;	
14	1066	for Online Marketplaces,	Evans		FRE 703;	
15 16		2013-2019 - Epic Summary Pursuant to Federal Rule of Evidence 1006			FRE 802	
17	PX-	Operating Systems Share of	Evans		FRE 602;	
18	1067	Smartphone Revenue, Globally Excluding China -			FRE 802	
19		Epic Summary Pursuant to Federal Rule of Evidence				
20	DV	1006	Evens		EDE 602.	
21	PX- 1068	Percent of iOS and Android Unit Sales Accounted for by	Evans		FRE 602; FRE 802	
22		Handsets in Different Price Ranges During 2019,				
23		Globally Excluding China - Epic Summary Pursuant to				
24		Federal Rule of Evidence 1006				
25	PX-	Percentage of the Top 50	Evans		Does not	
26	1069	iOS Game Apps in Hitt's Exhibit 2 That Are Currently			comport with FRE	
27		Available on Gaming			1006;	
28		Console Platforms - Epic				

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
	Summary Pursuant to Federal Rule of Evidence 1006			FRE 702; FRE 703	
PX- 1070	Proportion of Internet - Using Adults That Own a Smartphone, Spring 2018 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006	
PX- 1071	Proportion of iPhone Buyers During Apples 2020 FQ4 that Own and Use Other Apple Products - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX- 1072	Proportion of iPhone Owners During Apples 2020 FQ1 that Use Apple Services - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX- 1073	Proportion of iPhone Owners During Apples 2020 FQ4 that Own and Use Other Apple Products - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX- 1074	Proportion of Mobile Internet Time Spent on Apps vs. Web Browsers, June 2019 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 602; FRE 802	
PX- 1075	Proportion of Online Time Spent Using Mobile Devices, June 2019 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 602; FRE 802	

28

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2	PX-	Proportion of Worldwide	Evans		Does not	
3	1076	Internet Users Who Access App Categories Using			comport with FRE	
4		Mobile Devices Only - Epic Summary Pursuant to			1006; FRE 602;	
5		Federal Rule of Evidence			FRE 802,	
6	PX-	R&D as a Percentage of	Evans		FRE 402;	
7	1077	Total Revenue Apple iTunes and Other Online			FRE 802	
8		Marketplaces - Epic				
9		Summary Pursuant to Federal Rule of Evidence				
10		1006				
11	PX- 1078	Response of IAP Spenders to a 5 Percent Increase in IAP	Evans		Does not comport	
12	1070	Prices - Epic Summary			with FRE	
13		Pursuant to Federal Rule of Evidence 1006			1006; FRE 602;	
14		Lividence 1000			FRE 802;	
15	PX-	Results from Difference in	Evans		FRE 805 Does not	
16	1079	Differences Econometric	_ :		comport	
17		Study of Fortnite Monetary Spending - Epic Summary			with FRE 1006;	
18		Pursuant to Federal Rule of			FRE 602;	
		Evidence 1006			FRE 702; FRE 703;	
19	DV	D I C D'CC	Б		FRE 802	
20	PX- 1080	Results from Difference in Differences Econometric	Evans		Does not comport	
21		Study of Fortnite Time			with FRE	
22		Usage - Epic Summary Pursuant to Federal Rule of			1006; FRE 602;	
23		Evidence 1006			FRE 702; FRE 703;	
24					FRE 802	
25	PX- 1081	Selected Online	Evans		Does not comport	
26	1001	Marketplaces - Epic Summary Pursuant to			with FRE	
27		Federal Rule of Evidence 1006			1006; FRE 402;	
28		1000			FRE 602;	

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2					FRE 702;	
3					FRE 703; FRE 802;	
4	DII	G 07 1 7	-		FRE 805	
5	PX- 1082	Summary of Fortnite Time Usage by Device, September	Evans		FRE 602	
6		12, 2017 - August 12, 2020 - Epic Summary Pursuant to				
7		Federal Rule of Evidence				
8	PX-	1006 Top 1 Percent of iOS Apps	Evans		FRE 802	
9	1083	and Top 50 iOS Apps Shares				
10		of Downloads and Revenue - Epic Summary Pursuant to Federal Rule of Evidence				
11		1006				
12	PX- 1084	Top Android App Stores in China - Epic Summary	Evans		Does not comport	
13	1001	Pursuant to Federal Rule of			with FRE	
14		Evidence 1006			1006; FRE 802	
15	PX-	Statistics on IAP Spending	Rossi		Does not	
16	1085	in Survey and Apple Transaction Data - Epic			comport with FRE	
17		Summary Pursuant to			1006;	
18		Federal Rule of Evidence 1006			FRE 802; FRE 805	
19	PX- 1086	Gender and Age Distribution of Initial	Rossi		Does not	
20	1080	Sample vs U.S. Census -			comport with FRE	
21		Epic Summary Pursuant to Federal Rule of Evidence			1006; FRE 802;	
22		1006			FRE 805	
23	PX- 1087	Geographic Distribution of Initial Sample vs U.S.	Rossi		Does not comport	
24	1007	Census - Epic Summary			with FRE	
		Pursuant to Federal Rule of Evidence 1006			1006; FRE 802;	
25					FRE 805	
26	PX- 1088	Summary of Survey Results - Epic Summary	Rossi		Does not comport	
27	1000	Pursuant to Federal Rule of			with FRE	
28		Evidence 1006			1006;	

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2 3					FRE 802; FRE 805	
4 5 6	PX- 1089	Switching Behavior - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006; FRE 802; FRE 805	
7 8 9 10	PX- 1090	Summary of Initial Spending and Reduction - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006; FRE 802; FRE 805	
11 12 13 14	PX- 1091	Distribution of iPhone Models - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006; FRE 802; FRE 805	
15 16 17	PX- 1092	Education Distribution of Initial Sample vs U.S. Census - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006; FRE 802; FRE 805	
18 19 20 21 22	PX- 1093	Figure 3: Global Revenue for Mobile, PC, and Console Game Playing, 2020 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 602; FRE 702; FRE 703; FRE 802	
232425262728	PX- 2944	Total Worldwide Fortnite iOS Time Played, by User Accounts that Accessed Fortnite on an iOS device in June 2018 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602; FRE 703 (Expert analyses not disclosed during discovery); FRE 802	

1	Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
2	PX-	Total Worldwide Fortnite	Cragg		FRE 602;	
3	2945	iOS Time Played, by User			FRE 703	
,		Accounts that Accessed			(Expert	
4		Fortnite on an iOS device in			analyses	
5		June 2018 - Epic Summary			not	
		Pursuant to Federal Rule of			disclosed	
6		Evidence 1006			during	
7					discovery); FRE 802	
	PX-	Total Worldwide Fortnite	Cragg		FRE 703	
8	2946	iOS Time Played, by User	51088		(Expert	
9		Accounts that Accessed			analyses	
10		Fortnite on an iOS device in			not	
10		June 2018 - Epic Summary			disclosed	
11		Pursuant to Federal Rule of			during	
.		Evidence 1006			discovery)	
12						

DATE: April 25, 2021 **CRAVATH, SWAINE & MOORE LLP** 1 /s/ Brent Byars 2 **Brent Byars** 3 FAEGRE DRINKER BIDDLE & REATH LLP PAUL R. RIEHLE (SBN 115199) 4 Four Embarcadero Center, 27th Floor San Francisco, CA 94111 5 Telephone: (415) 591-7500 Facsimile: (415) 591-7510 6 paul.riehle@faegredrinker.com 7 CRAVATH, SWAINE & MOORE LLP CHRISTINÉ A. VARNEY (pro hac vice) KATHERINE B. FORREST (pro hac vice) 8 GARY A. BORNSTEIN (pro hac vice) 9 YONATAN EVEN (pro hac vice) LAUREN A. MOSKOWITZ (pro hac vice) 10 M. BRENT BYARS (pro hac vice) 11 825 Eighth Avenue New York, New York 10019 12 Telephone: (212) 474-1000 Facsimile: (212) 474-3700 13 cvarney@cravath.com kforrest@cravath.com 14 gbornstein@cravath.com yeven@cravath.com 15 lmoskowitz@cravath.com mbyars@cravath.com 16 Attorneys for Plaintiff and Counter-defendant 17 Epic Games, Inc. 18 19 20 21 22 23 24 25 26 27 28